

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	CR. NO. C-09-236-SS
	§	
ELEAZAR (ELI) CASTILLO GARCIA	§	
MARGUERITE JEANETTE GARCIA	§	
AKA JEANETTE CROUT	§	
AKA JEANETTE CROUT-GARCIA	§	
JOHN D. MARTINEZ	§	
FRANK D. MARTINEZ	§	

Government's Proposed Instructions for Jury

Jury Instruction No. 1

"The word "knowingly," as that term has been used from time to time in these instructions, means that the act was done voluntarily and intentionally, not because of mistake or accident.

You may find that a defendant had knowledge of a fact if you find that the defendant deliberately closed his eyes to what would otherwise have been obvious to him. While knowledge on the part of the defendant cannot be established merely by demonstrating that the defendant was negligent, careless, or foolish, knowledge can be inferred if the defendant deliberately blinded himself or herself to the existence of a fact."

Respectfully submitted,

TIM JOHNSON
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/s/ Michael E. Hess
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Government's Proposed Jury Instructions have been sent via ECF and/or email to the defendant's attorneys of record on this 10th day of February, 2010.

/s/ Michael E. Hess
MICHAEL E. HESS
Assistant United States Attorney